

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PETER J. ATAKPU,

Petitioner,

Case No. C-3-06-CV-74

-vs-

District Judge Thomas M. Rose

**WARDEN, Lebanon Correctional
Institution**

Respondent.

**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATIONS (DOC.#3)
AND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC.#5) OF CHIEF
MAGISTRATE JUDGE MICHAEL MERZ OVERRULING THE PETITIONER'S
RESPONSES (DOC.#4) AND OBJECTIONS (DOC. #6-1) TO SAID REPORTS AND
RECOMMENDATIONS, DISMISSING PETITIONER'S PETITION FOR HABEAS
CORPUS WITH PREJUDICE AND DENYING ANY REQUEST FOR A
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL IN FORMA
PAUPERIS; TERMINATION ENTRY**

This matter comes before the Court pursuant to Responses (Doc.#4) and Objections (Doc. #6-1) to the Report and Recommendations (Doc.#30) and Supplemental Report and Recommendations (Doc.#5) of Chief Magistrate Judge Michael Merz recommending that Petitioner's Petition filed in this matter be dismissed.

The Court has reviewed the comprehensive findings of the Chief Magistrate Judge and pursuant to 28 U.S.C. Section 636(b) and Fed. R. Civ. P. 72(b), this Court has made a de novo review of the record in this case. Upon consideration of the foregoing, the Court finds the Response (Doc.#4) and Objections (Doc.#6-1) are not well-taken and are hereby OVERRULED.

The Court finds that the Petition is barred by the statute of limitations, that reasonable jurors would not disagree with this conclusion. The Court ADOPTS the Chief Magistrate Judge's

Report and Recommendations (Doc.#3) and Supplemental Report and Recommendations (Doc. #5) in their entirety and DISMISSES the Petitioner's Petition and DENIES any request for a Certificate of Appealability and leave to appeal in forma pauperis.

IT IS SO ORDERED.

May 15, 2006

s/**THOMAS M. ROSE**

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE